

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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TERESA C. SMITH, O/B/O G.J.S.,<sup>1</sup>

Plaintiff,

v.

DECISION AND ORDER  
13-CV-1125

CAROLYN W. COLVIN,<sup>2</sup>  
ACTING COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

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The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On August 18, 2014, Magistrate Judge Scott filed a Report and Recommendation, recommending that the plaintiff's motion for judgment on the pleadings (Dkt. No. 11) be denied, and that judgment on the pleadings be granted in favor of defendant.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, plaintiff Smith's motion (Dkt. No. 11) for relief is denied in whole, and judgment is granted in favor of the

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<sup>1</sup>Fed. R. Civ. P. 5.2(a)(3) states that unless otherwise ordered by the court, a minor's name should be replaced with his initials.

<sup>2</sup>Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, the Clerk of the Court is directed to substitute Carolyn W. Colvin for Michael J. Astrue as Acting Commissioner of Social Security.

Commissioner.

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

*Richard J. Arcara*  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: October 7, 2014